Previous references.

File No. 242

1904

(III Coorg)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2

PART B FOR April 1905

SUBJECT.

Addendum to Civil rule of Practice no 91 of the 2nd Aug 1897 as amended by addendum of 23.8.1900

FILE No. 242 of 1904-05.

Addendum to Civil Rule of Practice, No. 91 of the 2nd August 1897, regulating the fees payable to Adversary's Advocate or Pleader as amended by addendum dated the 23rd October 1900.

1	From the Registrar of the Chief Court of Mysore, No. 5217-294, dated the 27th March 1905. Forwards for sanction a draft of an addendum to the above Rule of Practice.
2	To the Registrar of the Chief Court of Mysore, No. J. 2927, dated the 10th April 1905. Sanctions the adoption of the proposed addendum as it removes some doubts entertained in some of the Civil Courts.

G. R. S. 11] 190 4.

GENERAL AND REVENUE SECRETARIAT.

(Cont^d)

NOTES.

File No. 242

FILE HEADING.

Addendum to Civil rules of Practice No. 51 of the 2nd August 1897. as amended by addendum of the 23rd Oct 1900.

From

The Registrar of the Chief Court of Mysore

No. 547/24 Dated 21/3/05 Received 24/3/05

Diary No. 2035	Enclos. 3	Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for Sanction a draft addendum

NOTES AND ORDERS.

The addendum is proposed to clear a doubt which is said to be prevalent among some Civil Courts, under 1st part of rule 5 of the Civil rules of Practice above referred to. As to whether in cases where execution is sought only for

to file 11/4/05

NOTES—First sheet.

MGCPB—25,000—18-8-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 242 of 1904

Serial No.

The bill and the rule under a decree. The fee for an advocate's address should be calculated on the balance or on the whole amount decreed.
Submitted with draft amending the addendum proposed
NCS 31/3/05
Dec 9 1/4/05
3. Draft submitted to the Diwan Saheb thro the 1st Councillor.
Vr
1.4.1905

2311/1-4-05

4. I am afraid the proposed proviso is verbose and not quite necessary. All that seems required being the following addition after the words "execution cases" in the newly added Rule 9, viz: "such fee being calculated on the amount brought to be recovered by execution" - notwithstanding the addendum proposed by the Chief Court may be sanctioned for the reason stated.
Vr
3.4.1905 2/4/05

Levy.
Kindly give me if possible a complete set of the Rules of Practice (both Civil & Criminal)

Branch III
Copy
3.4.1905
Not available in office
Write parties to ch. Court

5/4/05
4.4.05

MGCPB—20,000—1-11-04.

G.R.S. 12]

General and Revenue Secretariat.

File No. 242 of 1904-05

Serial No.	
2	Proceedings ~~Letter~~ No 2927 dated the 10th April 1905 from the Registrar of the Chief Court sanctioning the adoption of the addendum proposed.

Vide Mysore Gazette Part II Page 882 dated 1.2.1905

N 5217 Ins 3
294

Dept
Jud N 2 2/4/05

L 2035

Bangalore,
27th March 1905.

From

V. A. Raja Rama Mudr. Esq.
Registrar, Chief Court of Mysore

To

B. K. Venkatavaradaiengar Esq
Secretary to Govt. Genl: & Rev: Depts

Chief Courts
111
Jud
28/3/05

Sir,

I am directed to forward for the sanction of Government under section 22 of the Mysore Legal Practitioners' Regulation the enclosed addendum to Civil Rule of Practice nº 9 dated 22 August 1897 as amended by addendum dated 23rd October 1900 (copy enclosed).

L 2 pages 6

As doubts have been entertained in some Civil Courts as to the proper interpretation of the first part of Rule 9 as to whether in a case in which execution is sought only for the balance due under a decree the fee is to be calculated on

, on such balance or on the amount decreed. it is deemed desirable to add to the Rule the proviso now proposed.

I have the honor to be,
Sir,
Your most obedt. Servant,

Registrar.

Eng

In the Chief Court of Mysore at Bangalore.

Civil Side.

Addendum dated 1905.
to Rule of Practice nº 91 dated 2nd August
1897 as altered by addendum dated
23rd October 1900.

Vide Mysore gazette part II page 582 dated 27 April 1905

Do. the first sentence of Rule 9
add the following proviso altering
the full stop into a comma —

'provided that when the amount
claimed in execution is less than
the amount recoverable under the
decree, the fee shall be calculated
at one-fourth of the rate pre-
scribed for a decree of the less
amount.'

By order of the Court
Registrar.

mg

G.R.S. 28].

File No. 242

Serial No. 2

Diary No. of letter replied to J 1035

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts)

the 10/4/ 1905

Date of issue 10/4/05

Signed by Mr K S Chandrasekhara Ayyar

READ.— Letter No. 5217 dated the 25a 27th March 1905, from the Registrar of the Chief Court of Mysore, forwarding for sanction the ~~Draft accompanying~~ Subjoined Draft of addendum to Civil Rule of Practice No. 91 of the 2nd August 1897, regulating the fees payable in respect of an Advocate or Pleader as amended by addendum dated the 23rd October 1900.

ORDER THEREON.—~~NO.~~

(Here enter from the Draft "To the first ..... be annexed.")

over

5864 Mint 4.4.05

Seen 7.4.1905

SUBJECT

5

Ade Ikeren: - G 2927
C: 942-2

~~Proceedings~~

It is represented that doubts have been entertained in some Civil Courts as to whether, under the 1st part of Rule 5 of the ~~Schedule~~ Order of Practice above referred to, ~~[illegible]~~, in cases where execution is sought only for the balance due under a decree, the fee payable to an Advocate or Pleader is to be calculated on such balance or on the whole amount decreed. To remove this doubt, the Chief Court proposes to issue the above-mentioned ~~addition~~ addendum. The addendum seems suitable & the Government are pleased to sanction ~~the same~~ its adoption

1/4/05 Pmk

1-4-1905

Secretary.

To the Registrar of the Chief Court of Punjab

Copied & G 7/4/05

Examined SH 7/4/05

MK 31/3/05 SH 31/3/05